

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>Smith International, Inc.,</b>	§	
	§	
<b>Plaintiff,</b>	§	
<b>VS.</b>	§	<b>CIVIL ACTION NO. H-05-4151</b>
	§	
<b>The Egle Group, L.L.C.,</b>	§	
<b>Don M. Egle,</b>	§	
<b>and</b>	§	
<b>Daniel A. Rees, as Trustee of the Egle</b>	§	
<b>Trust for Michelle A. Egle, the Egle Trust</b>	§	
<b>for John M. Egle, Jr., and the Egle Trust</b>	§	
<b>for Lauren E. Egle,</b>	§	
	§	
<b>Defendants.</b>	§	

**MEMORANDUM AND ORDER**

Pending before the Court is Plaintiff's emergency motion for reconsideration of this Court's Order dated November 10, 2005 (Docket No. 103), which granted, in part, Defendant Daniel A. Rees's motion to dismiss for lack of personal jurisdiction. Counsel for Rees has informed the Court that he does not oppose Plaintiff's motion for reconsideration. Moreover, it has come to the Court's attention that, contrary to the representations made in Rees's motion to dismiss (and not contradicted in Plaintiff's response to that motion), service of process upon Rees was not effected pursuant to the Texas long-arm statute but was instead personal service under FED. R. CIV. P. 4. Rees does not now dispute the legitimacy of that service. Therefore, Plaintiff's motion for reconsideration is hereby **GRANTED**, Rees's motion to dismiss is **DENIED**,<sup>1</sup> and Plaintiff's Second Amended Complaint is restored to the Court's docket.

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<sup>1</sup> The Court previously did not reach Rees's motion, in the alternative, to transfer venue. That motion is now **DENIED**.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 14th day of November, 2005.

A handwritten signature in black ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**